



## **BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION**

### **Advisory Opinion 07-07-019**

An employee must not participate in any matter that affects, in a manner distinct from its effect on the public generally, any property or business in which the employee holds an economic interest. An employee who serves on an advisory committee charged with recommending strategies to raise funds to pay for infrastructure asks if that position will conflict with her outside employment as senior vice-president and chief financial officer of a construction company. The Commission concludes there is no conflict because her service on the committee will not affect, in a manner distinct from its effect on the public, the employee's outside employment with the construction company.

The employee is the senior vice-president and chief financial officer (CFO) of a construction company. As CFO, she leads the finance team, overseeing all financial functions and the risk management group. The construction company, and its affiliated and subsidiary companies, procure and perform a wide variety of projects for public and private land and building owners in Montgomery County and Maryland. She is also a principal of an affiliated company, which has provided turnkey public infrastructure projects to municipal and state agencies in Virginia.

The County Council asked the employee to serve as the volunteer chair of a recently established advisory committee charged with recommending strategies "to raise substantial funds annually to fund much-needed projects across the County." The Council resolution establishing this committee states: "The [committee] in developing its recommendations should consider already identified long-term facility needs and propose strategies that are likely to meet these needs on an on-going basis. The Group should recommend an equitable allocation of financial obligation with a clear and predictable revenue stream."

The Commission sees no conflict in this case. Section 19A-11(a) (1) provides that an employee must not participate in any matter that affects, in a manner distinct from its effect on the public generally, any property or business in which the employee holds an economic interest. The employee's participation on the committee will not affect, in a manner distinct from its effect on the general public, the employee's outside employment with the construction company. While in a broad sense the employee's work on the committee and the employee's outside employment both involve issues of construction and finance (and this expertise is presumably why the County Council chose the employee to serve on the committee in the first place) the

similarity ends there. Any further connection between the employee's committee work and outside employment is simply too tenuous to pose a conflict of interest.

In reaching this decision, the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Richard N. Reback".

Richard N. Reback, Chair

August 24, 2007